

## REMARKS

Applicants thank the Examiner for the careful examination given to the present application. In response to the Office Action mailed on May 1, 2007, Applicant respectfully requests reconsideration based on the above claim amendments and following remarks. Applicant respectfully submits that the claims presented are in condition for allowance.

The Applicants would also like to thank Examiner Linh Black for conducting a telephonic Examiner Interview on August 22, 2007. The Examiner's courtesy and consideration of Applicants' questions and comments at the interview are sincerely appreciated. During the interview, the Examiner's review of the Office action and the cited art as applied to the claim language of the pending claims in the application was discussed. Specifically, the claim language of independent claims 1, 11, and 21 and dependent claims 2, 5, 12, and 15 and the references with regard to these claims was discussed.

Claims 1, 3, 5, 8, 11, 13, 15, 18, and 21 have been amended. Claims 2 and 12 have been canceled. Claims 1, 3-11, and 13-23 are presently pending in the application.

### *Claim Rejections Under 35 USC § 103*

Claims 1-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (U.S. Patent No. 6,658,415)(hereinafter "Brown") in view of Levitt (U.S. Pub. No. 2002/0151327)(hereinafter "Levitt"). Claim 1 has been amended with the subject matter of claim 2, and claim 2 has been canceled. Claim 11 has been amended with the subject matter of claim 12, and claim 12 has been canceled. Claims 3, 5, 8, 13, 15, 18, and 21 have been also amended. For at least the following reasons, the Applicants respectfully traverse the rejection.

1. None of the reference disclose or suggest "*gathering program recommendation guides from third parties* and storing said program recommendation guides in a recommendation guide database, *said program recommendation guides comprising lists of programming data recommended by the third parties*" as recited in claims 1. Similar claim language is found in claims 11 and 21.

The Office action on page 5 refers to Brown and Levitt as allegedly disclosing these claim recitations in the following:

gathering program recommendation guides from third parties and storing said program recommendation guides in said database of program recommendation guides (column 6, lines 30-31, ... and column 10, lines 34-42, ... Brown, ALSO SEE paragraph [0096][0205], and [0271], respectively, Levitt);

Brown discloses in col. 6, lines 30-31, “alternate types of data may be stored in data storage medium 82 [of authority-enabled server system 80]”. Brown also discloses in col. 10, lines 34-42,

[The] data storage medium 40 [of remote server system 38] according to a particular UCID includes a chaperone application 50 that responds to data received and requested from other data processing systems, including server system 80 and security system 33. In addition, chaperone application 50 provides analysis of products and services provided by server system 80 in view of authorization settings 42a-42n, user designated preferences 44, schedule 46, user profile 48, and other data stored according to the UCID.

Initially, the Office action has misapplied the structures taught by Brown and Levitt in rejecting claims 1, 11, and 21. The Office action on page 3 states, “a customer entity (Figure 3B, diagrams 44, 46 and 48, Brown)”. According to Brown, user designated preferences 44, a user’s schedule 46, and user profile 48 are on data storage medium 40 of *the remote server system 38* (col. 10, lines 20-42; Fig. 3B and Fig. 4).

Then, the Office action on page 5 proceeds to refer to *both* the Brown remote server system 38, which the Office action has stated is the claimed customer entity, and the Brown authority-enabled server system 80 for performing the above-mentioned claim recitations. However, for example in claim 21, the above-mentioned claim recitations are performed by a preference filtering system *executed on the host system and not the customer entity*. It is unclear to the Applicants how the above-mentioned claim recitations are performed by *both* the authority-enabled server system 80 *and* the remote server system 38 as alleged by the Office action. Thus, the structures relied on by the Office action as allegedly teaching the features recited in claims 1, 11, and 21 are inconsistent with these claims.

With regard to Levitt, the Office action on page 3 states that Levitt discloses, a host system in communication with said customer entity via a communications network said host system comprising a server (paragraph [0067], wherein this

reads over “the system may include one or more pieces of hardware including a handheld device, such as a PDA, one or more entertainment devices and a communication network that interconnects the various elements to the system, wherein the system may further include a personal computer that is connected to both the handheld device and the personal computer, wherein the system may further include a server system that is connected to the communication system and so forth”, Levitt), ...

It is unclear to the Applicants how the Levitt system 20 can be the claimed host system, when the Levitt system 20 includes a handheld device, entertainment devices 24, a communications network 26, personal computer 28, and server system 32. For example in claim 21, a host system is in communication with said customer entity via the communications network. Under the Office action analysis, since the Levitt system 20 includes a communications network 26, the Levitt system 20 would be in communication with the customer entity via itself.

Consequently, Brown merely discloses that the authority-enabled server system 80 stores data in data storage medium 82 and the remote server system 38 stores data in data storage medium 40. Brown does not disclose or suggest *program recommendation guides* or *gathering program recommendation guides from third parties and storing such program recommendation guides*. Brown also does not disclose or suggest that any of the stored data comprises lists of programming data recommended by third parties. Therefore, Brown also fails to disclose or suggest *program recommendation guides comprising lists of programming data recommended by the third parties*.

Levitt does not overcome the deficiencies of the Brown patent. None of the sections cited by the Office action for Levitt perform the above-mentioned claim recitations. Levitt in para. 0096 only discloses that the system setup may require payment by the user. Levitt in para. 0205 discloses that optional on-screen elements include pay-per-view options and other elements such as program and product recommendations and advertisements. Levitt in para. 0271 discloses that the user may see a pay-per-view program or a product that requires a pay transaction in a list. Therefore, Levitt fails to disclose or suggest *program recommendation guides* or *gathering program recommendation guides from third parties and storing such program recommendation guides*. Levitt also fails to disclose or suggest *program recommendation guides comprising lists of programming data recommended by third parties*.

Therefore, even if combined, Brown and Levitt do not disclose or suggest “gathering program recommendation guides from third parties and storing said program recommendation guides in a recommendation guide database, said program recommendation guides comprising lists of programming data recommended by the third parties” as recited in claim 1. Similar claim language is found in claims 11 and 21; thus, claims 11 and 21 are allowable for at least the reasons discussed above in regard to claim 1.

Claims 3-10 depend from claim 1; claims 13-20 depend from claim 11, and claims 22-23 depend from claim 21. Therefore, claims 3-10, 13-20, and 22-23 are allowable for at least the reasons discussed above in regard to claim 1.

2. None of the reference disclose or suggest “*presenting a user interface to said customer entity along with said program recommendation guides; receiving from said customer entity at least one selection from said program recommendation guides and storing said at least one selection* in a customer preference database” as recited in claim 1. Similar claim language is found in claims 11 and 21.

The Office action on pages 5-6 refers to Brown and Levitt as allegedly disclosing these claim recitations in the following:

presenting a user interface to a customer entity along with said program recommendation guides (Figures 8A and 8B, all features, Brown, ALSO SEE Figures 4D and 4E and paragraph [0280], ... Levitt);  
receiving at least one selection from said program recommendation guides (column 10, lines 13-19, ... Brown, ALSO SEE paragraph [0280], respectively, Levitt);  
storing said at least one selection in said database of customer preferences (Figure 4, diagram 44, ... Brown, ALSO SEE paragraph [0290] and [0292], respectively, Levitt)

According to Brown in col. 3, lines 14-16, and col. 15, lines 30-40, the Figs. 8A-8B merely illustrate “a pictorial illustration of multiple data storage structures for storing authority-designated settings and other data [in remote server system 38]”. Brown also discloses in col. 10, lines 12-19,

The child’s UCID account would receive a listing of products and services for the theme park that is transmittable to an authority at a remote computer system. The authority, such as the parent, could view the products and services and transmit a selection of authority-designated settings to the child’s UCID account such that

the child can be permitted access into the park.

Brown also discloses that the user designated preferences 44 is on data storage medium 40 of the remote server system 38 (col. 10, lines 20-42; Fig. 3B and Fig. 4).

Initially, the Office action has misapplied the structures taught by Brown in rejecting claims 1, 11, and 21. The Office action on page 3 states, “a customer entity (Figure 3B, diagrams 44, 46 and 48, Brown)”. According to Brown, user designated preferences 44, a user’s schedule 46, and user profile 48 are on data storage medium 40 of *the remote server system 38* (col. 10, lines 20-42; Fig. 3B and Fig. 4).

Then, the Office action on pages 5-6 proceeds to refer to the Brown *remote server system 38*, which the Office action has stated is the claimed customer entity, for performing the above-mentioned claim recitations. Specifically, Figs. 8A-8B, which illustrate a pictorial illustration of multiple data storage structures in *the remote server system 38*, is cited for “presenting a user interface to a customer entity along with said program recommendation guides”. Column 10, lines 13-29, where a child’s UCID account on *the remote server system 38* receives the authority-designated settings selected by a parent based on products and services of a theme park, is cited for “receiving at least one selection from said program recommendation guides”. Also, the user designated preferences 44, which is on data storage medium 40 of *the remote server system 38*, is cited for “storing said at least one selection in said database of customer preferences”. However, for example in claim 21, the above-mentioned claim recitations are performed by a preference filtering system *executed on the host system and not the customer entity*. It is unclear to the Applicants how the above-mentioned claim recitations are performed by the remote server system 38, when the Office action has stated is the claimed customer entity. Thus, the structures relied on by the Office action as allegedly teaching the features recited in claims 1, 11, and 21 are inconsistent with these claims.

With regard to Levitt, the Office action on page 3 states that Levitt discloses, a host system in communication with said customer entity via a communications network said host system comprising a server (paragraph [0067], wherein this reads over “the system may include one or more pieces of hardware including a handheld device, such as a PDA, one or more entertainment devices and a communication network that interconnects the various elements to the system, wherein the system may further include a personal computer that is connected to both the handheld device and the personal computer, wherein the system may

further include a server system that is connected to the communication system and so forth”, Levitt), ...

It is unclear to the Applicants how the Levitt system 20 can be the claimed host system, when the Levitt system 20 includes a handheld device, entertainment devices 24, a communications network 26, personal computer 28, and server system 32. For example in claim 21, a host system is in communication with said customer entity via the communications network. Under the Office action analysis, since the Levitt system 20 includes a communications network 26, the Levitt system 20 would be in communication with the customer entity via itself.

Accordingly, since Figs. 8A-8B are only pictorial illustrations of the data storage structures in the remote server system 38, Brown fails to disclose or suggest *program recommendation guides* or *presenting a user interface to a customer entity along with the program recommendation guides*.

Levitt does not overcome the deficiencies of the Brown patent. Levitt in Figs. 4D-4E merely discloses a user interface of a handheld device. Levitt in para. 0280 discloses that the “ability to control multiple devices, and to monitor and store records of program browsing and selection activity, lets the system offer recommendations that use information from other services”. Although Levitt discloses that the system may offer *recommendations* that use information from other services, the system recommendations are not *program recommendation guides*. Therefore, Levitt does not disclose or suggest *presenting a user interface to a customer entity along with the program recommendation guides*.

Further, although Brown discloses that a child’s UCID account on the remote server system 38 can receive the authority-designated settings selected by a parent based on products and services of a theme park, the products and services are not *program recommendation guides* and the authority-designated settings are not selected from *program recommendation guides*. Additionally, Brown merely discloses that user designated preferences 44 is on data storage medium 40 of the remote server system 38. Therefore, Brown fails to disclose or suggest *receiving from the customer entity at least one selection from the program recommendation guides and storing such selection*. It is also unclear to the Applicants how the above-mentioned claim recitations are performed by the remote server system 38, which the Office action has

stated is the claimed customer entity. Under the Office action analysis, the Brown remote server system 38 would be receiving from itself a selection and storing such selection.

Levitt does not overcome the deficiencies of the Brown patent. Levitt in para. 0280 only discloses that the system may offer recommendations that use information from other services. Levitt in para. 0290 discloses that the handheld device “obtains program schedule information for the data network connection and stores this data into its local memory”; para. 0292 discloses that the “time extent of program schedule information stored in the handheld device can vary”. Although Levitt discloses that the system may offer *recommendations* that use information from other services and the handheld device may receive *program schedule information*, the system recommendations and program schedule information are not *program recommendation guides*. Therefore, Levitt does not disclose or suggest *receiving from the customer entity at least one selection from the program recommendation guides and storing such selection*.

Thus, even if combined, Brown and Levitt do not disclose or suggest “presenting a user interface to said customer entity along with said program recommendation guides; receiving from said customer entity at least one selection from said program recommendation guides and storing said at least one selection in a customer preference database” as recited in claim 1. Similar claim language is found in claims 11 and 21; thus, claims 11 and 21 are allowable for at least the reasons discussed above in regard to claim 1.

Claims 3-10 depend from claim 1; claims 13-20 depend from claim 11, and claims 22-23 depend from claim 21. Therefore, claims 3-10, 13-20, and 22-23 are allowable for at least the reasons discussed above in regard to claim 1.

3. There is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Levitt with Brown.

Brown is directed to limiting access of content to users based upon an authorization system (Abstract). In Brown, an authority-enable server system 80 via a communications network 32 accesses authority-designated setting on a universally accessible remote server system 38 according to a particular universal communications identifier (UCID) of a user (Abstract; Figs. 3A-3B)

Levitt merely teaches a system that uses a handheld device 22, such as a personal digital assist (PDA), to control entertainment devices 24 and to view content directory information, such as a TV program schedule, for the entertainment devices (Abstract; Fig. 1a).

Since Brown is an authorization system, there is no motivation to look at or use the features of the Levitt handheld device system, which interfaces with an entertainment device. Accordingly, the person of ordinary skill in the art, would not be naturally led to the patent of Levitt in order to modify the authorization system taught by Brown.

Even if, assuming *arguendo*, that there was motivation to combine Levitt with Brown, such a combination would only result in the Levitt handheld device becoming an output interface 130a or checkpoint device 134 for the existing Brown authority-enabled server system. There is no motivation or suggestion in either Brown or Levitt, to further modify the Brown system authority-enabled server system and the universally accessible remote server system to incorporate features of the Levitt handheld device system.

Reconsideration and withdrawal of the rejection based upon the combination of references is respectfully requested.

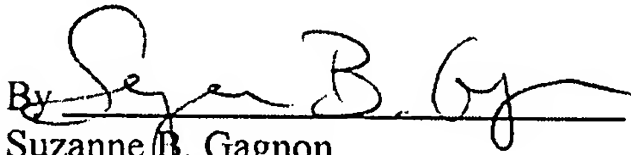


### CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

By   
Suzanne B. Gagnon  
Registration No. 48,924  
CANTOR COLBURN LLP

55 Griffin Road South  
Bloomfield, CT 06002  
Telephone (404) 607-9991  
Facsimile (404) 607-9981  
Date: September 4, 2007